

ORDINANCE NO. _____, SERIES 2008

AN ORDINANCE ADDING A NEW SECTION OF CHAPTER 39 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO LANGUAGE ACCESS TO PROGRAMS AND ACTIVITIES OFFERED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT.

Sponsored By: Councilman Dan Johnson

WHEREAS, Title VI of the Civil Rights Restoration Act provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;” and

WHEREAS, there are programs and activities provided by Louisville/Jefferson County Metro Government receiving Federal financial assistance.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: A new section to Chapter 39 of the Louisville Metro Code of Ordinances is hereby added to read as follows:

§39.002 Nondiscrimination on the basis of National Origin:

- (A) The Metro Government does not discriminate on the basis of National Origin from participation in or receipt of benefits from programs and activities provided by Metro Government.
- (B) Metro Government programs, departments, and services shall assess the need for and provide oral language services and written translation of vital documents for any non-English language spoken by a limited or no-English proficient population when that population consists of 500 persons or 3% of the population likely to be encountered or served by the program department

or service, whichever is less. This section shall apply to any Metro Government programs, departments, or services that are recipients of Federal funding.

1. "Limited or no-English proficiency" means the inability to adequately understand or express oneself in the spoken or written English Language.
2. "Vital documents" means applications, notices, complaint forms, legal contracts, and outreach materials published by any Metro Government programs, departments, or services in a tangible format that informs individuals about their rights or eligibility requirements for benefits and participation.

(C) Metro Government programs, departments, and services shall, at least annually, determine the type of oral and written language services needed based upon the criteria set forth in subsection (B) of this section and shall establish a Language Access Plan to meet those needs as required under subsection (B) of this section. The Language Access Plan shall set forth, at a minimum, the following:

1. The types of oral language services to be provided and how the determination was reached;
2. The titles of translated documents that the entity will provide and how the determination was reached;
3. The number of public contact positions in the program, department, or service and the number of bilingual employees in public contact positions;

4. An evaluation and assessment of the adequacy of the services to be provided; and
 5. A description of the funding and budgetary sources upon which the department, service, or program intends to rely to implement its Language Access Program.
- (D) The Mayor shall designate an agency, department, or office within Metro Government to
1. maintain copies of all Language Access Plans and reports required under this section;
 2. to review each Language Access Plan for compliance with this section and Title VI of the Civil Rights Restoration Act;
 3. and to the extent possible, seek uniformity of Language Access Plans throughout Metro Government and reduce waste or duplicative services.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Jim King
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

Chapter 39 Amendment - Language Access Ordinance as filed April 16, 2008 – ROC/mrl